

2nd Sub. S.B. 224
ENERGY INDEPENDENCE AMENDMENTS

Representative **Joel K. Briscoe** proposes the following amendments:

1. Page 16, Line 485 through Page 17, Line 509:

485 (5) ~~{(a)}~~ An affected electrical utility ~~{:~~

486 ~~{(i)}~~ may recover reasonable ongoing operating costs incurred in connection with the

487 operation of a proven dispatchable generation resource located within the state ~~{;and}~~ .

488 ~~{(ii) has a presumption that the ongoing operating costs described in Subsection (5)(a)(i)~~

489 ~~are reasonable as determined by the commission in a general rate case or other appropriate~~

490 ~~commission proceeding;~~

491 ~~——(b) A party may submit evidence in a commission proceeding to challenge the~~

492 ~~reasonableness of the affected electrical utility's operating costs.~~

493 ~~——(c) If an affected electrical utility's operating costs are unchallenged or the commission~~

494 ~~determines after a commission proceeding that a challenging party has failed to demonstrate~~

495 ~~that the affected electrical utility's operating costs are not reasonable, the affected electrical~~

496 ~~utility is entitled to recover operating costs associated with a proven dispatchable generation~~

497 ~~resource in rates.~~

498 ~~——(d) If the commission determines, after hearing evidence from a challenging party, that~~

499 ~~the affected electrical utility's operating costs are not reasonable, the commission shall establish~~

500 ~~reasonable rates that allow the affected electrical utility to recover only reasonable operating~~

501 ~~costs associated with a proven dispatchable generation resource.}~~

502 (6) ~~{(a)}~~ Upon filing of a request for recovery under this section from an affected

503 electrical utility that is expected to result in a rate increase, the commission shall provide a

504 written notice of the request to the Executive Appropriations Committee and the Public

505 Utilities, Energy, and Technology Interim Committee.

506 ~~{(b) Upon receiving the notice described in Subsection (6)(a), the Executive~~

507 ~~Appropriations Committee may review the affected utility's request for cost recovery and~~

508 ~~determine whether to direct committee staff, the division, or an otherwise qualified third party~~

509 ~~to intervene and advocate on behalf of the Legislature.}~~